

## **MODULE VIII RCRA/CERCLA INTEGRATION**

### **VIII.A. BACKGROUND INFORMATION**

**VIII.A.1.** Section 3004(u) of RCRA as amended by HSWA, and Utah Administrative Code (UAC) R315-8 require that permits issued after November 8, 1984, address corrective action for releases of hazardous wastes or constituents from any solid waste management unit (SWMU) at the Facility, regardless of when the waste was placed in the Unit.

**VIII.A.2** On October 1, 1990, Tooele Army Depot was listed on the National Priorities List established pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund). Pursuant to Section 120 of CERCLA, the United States Environmental Protection Agency, the Utah Department of Environmental Quality (UDEQ), and the United States Army entered into a Federal Facilities Agreement on September 16, 1991. This agreement, included as Attachment 6 of this permit, shall hereinafter be referred to as the Tooele Army Depot Federal Facilities agreement (TEAD FFA).

**VIII.A.3.** Section 5 of the TEAD FFA provides that the parties intend that activities completed under the agreement will be sufficient to satisfy the corrective action requirements of Section 3004(u) of RCRA and R315-8., and that the TEAD FFA shall be incorporated into this Permit in order to assure that activities completed under the agreement meet corrective action requirements.

### **VIII.B. INCORPORATION OF FEDERAL FACILITIES AGREEMENT**

**VIII.B.1.** The TEAD FFA is hereby incorporated into this Permit as provided in Module VIII. All requirements under the FFA are enforceable as requirements of this Permit.

**VIII.B.2.** Except as provided in Condition VII.B.3., requirements for remedial actions under the TEAD FFA shall automatically be deemed to be incorporated in this Permit as corrective action requirements.

**VIII.B.3.** In Section 29 of the TEAD FFA, UDEQ has reserved its rights to require corrective action. UDEQ may exercise that right if it does not agree with a determination made pursuant to the dispute resolution provision of the TEAD FFA, Section 15. In that event, this Permit may be modified to specify corrective action requirements, if not already addressed in module VII.